

Message Text

LIMITED OFFICIAL USE

PAGE 01 OTTAWA 01094 172300Z

16

ACTION OES-05

INFO OCT-01 EUR-12 ISO-00 AID-05 CEQ-01 CIAE-00 OFA-01

COME-00 DODE-00 EB-07 EPA-01 INR-07 IO-11 L-03 NSF-01

NSC-05 NSAE-00 PM-04 USIA-06 SS-15 SP-02 INT-05 FEA-01

HEW-04 ERDA-05 CG-00 DOTE-00 /102 W

----- 055687

R 172218Z MAR 76

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC 9165

LIMITED OFFICIAL USE OTTAWA 1094

E.O. 11652: N/A

TAGS: SENV, CA

SUBJ: POPLAR RIVER

1. SUMMARY: US AND CANADIAN FEDERAL, STATE AND PROVINCIAL REPRESENTATIVES MET IN REGINA ON MARCH 5 TO DISCUSS THE SASKATCHEWAN POWER CORPORATION'S (SPC) THERMOPOWER GENERATING STATION ON THE EAST POPLAR RIVER. THE FOCUS WAS PARTICULARLY ON THE THREE TROUBLESOMEISSUES WHICH AFFECT THE US: AIR QUALITY, WATER APPORTIONMENT AND WATER QUALITY. US URGED, AND CANADA RESISTED, REFERENCE OF PROBLEM TO IJC. END SUMMARY.

2. THE DISCUSSIONS FOCUSED ON FOLLOWING SUBJECTS:

A. AIR QUALITY: WHILE THE US WAS GRATEFUL TO LEARN ABOUT THE IMPROVED TREATMENT TO BE GIVEN TO EMISSIONS INTO THE AIR BY THE POWER PLANT, IT ALSO NOTED ANYTHING LARGER THAN A 300 MEGAWATT PLANT COULD VERY WILL POLLUTE MONTANA AIR BEYOND ACCEPTABLE STANDARDS. CANADIAN OFFICIALS UNDERLINED THAT THE 300 MEGAWATT PLANT COULD MEET US STANDARDS AND AGREED THAT FURTHER STUDIES WOULD BE NEEDED BEFORE CONSTRUCTION COULD START ON A SECOND 300 MEGAWATT UNIT.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OTTAWA 01094 172300Z

B. WATER APPORTIONMENT: THE US POINTED OUT THAT BEFORE

IT COULD ENTER INTO ANY AGREEMENT, EITHER INTERIM OR TACIT, IT WOULD HAVE TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT. THE STATEMENT WOULD ALSO HAVE TO STUDY THE EFFECTS ON ENVIRONMENT IN CANADA. THIS LATTER POINT WAS PARTICULARLY QUESTIONED BY THE CANADIANS WHO INDICATED THAT THE SPC INTENDED TO PROCEED WITH ITS PLANS THIS SPRING TO RETAIN WATER FOR ITS PROPOSED POOL. ADDITIONALLY, THE US REPORTED CONSIDERABLE UNHAPPINESS FROM US CITIZENS IN MONTANA REGARDING THE REDUCED FLOW AND MENTIONED ITS TREATY OBLIGATIONS WITH INDIAN TRIBES TO ASSURE THE FLOW OF GOOD QUALITY WATER.

C. WATER QUALITY: THE US EXPRESSED PARTICULAR CONCERN ABOUT THE POSSIBLE SERIOUS DETERIORATION OF THE QUALITY OF THE WATER FLOWING ACROSS THE BORDER AS A RESULT OF THE SPC PLANT. THE REDUCED FLOWS UNDER APPORTIONMENT PLANS WOULD FURTHER DETERIORATE THE QUALITY OF THE WATER AS POLLUTANTS WOULD BE LESS DILUTED. AS A RESULT, THE US REQUESTED THE CANADIAN GOVERNMENT TO SUSPEND ACTIVITY ON ALL ASPECTS OF THE SPC PLANT WHICH MIGHT HAVE AN EFFECT UPON WATER FLOWING SOUTHWARD, AND POINTED OUT THAT IF CANADA WERE NOT TO AGREE TO SUCH ACTION, THE US WOULD RESERVE THE RIGHT TO HOLD IT LIABLE FOR ANY DAMAGES UNDER ARTICLE IV OF THE BOUNDARY WATERS TREATY. NOR WAS THE US PRESENCE AT THE MEETING TO BE CONSTRUED AS GIVING TACIT APPROVAL TO CANADIAN DEVELOPMENT PLANS ON THE POPLAR RIVER.

3. CANADA COUNTERED BY SAYING IT WOULD STAND BY ARTICLE IV OF THE BWT AND OFFERED TO MAKE AVAILABLE TO THE US ALL ENVIRONMENTAL STUDIES PREPARED BY THE SPC. IT FURTHER SUGGESTED THAT A US-CANADA STUDY GROUP BE ESTABLISHED FOR FURTHER DISCUSSIONS ON THE PROBLEM. THE US SAID IT WOULD BE PLEASED TO RECEIVE THE STUDIES, AGREED THAT FURTHER ACTIVITY SHOULD BE JOINT, AND PROPOSED THAT THE MATTER BE REFERRED TO THE INTERNATIONAL JOINT COMMISSION (IJC); THIS WAS NOT RECEIVED ENTHUSIASTICALLY BY THE CANADIAN GOVERNMENT. HOWEVER, THE US INSISTED THAT ANY STUDY OF THE PROBLEM SHOULD BE WITHIN ESTABLISHED PATTERNS AND THAT EXPERIENCE WITH "INDEPENDENT" GROUPS (E.G. THE ST. JOHN'S RIVER GROUP) WERE NOT SATISFACTORY.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OTTAWA 01094 172300Z

4. THE TWO SIDES CONCLUDED BY AGREEING THAT TERMS OF REFERENCE FOR INTERNATIONAL STUDIES SHOULD BE PREPARED BY THE TWO GOVERNMENT AND THE CANADIAN SIDE WOULD TAKE UNDER ADVISEMENT THE US SUGGESTION THAT IT BE REFERRED TO THE IJC.

5. COMMENT: SINCE ARTICLE II OF THE BWT DOES NOT SEEM

TO GIVE THE US ADEQUATE PROTECTION IN THIS INSTANCE,
PARTICULARLY SINCE HISTORICALLY AMERICAN CLAIMANT IN
CANADIAN COURTS HAVE NOT FARED WELL, EMBASSY STRONGLY
RECOMMENDS THAT ATTENTION BE FOCUSED UPON ARTICLE IV
AND THE TERMS OF REFERENCE BE DRAFTED WHICH
WOULD ASSURE PROTECTION OF US WATERS UNDER PROVISIONS OF
THAT ARTICLE. THESE TERMS OF REFERENCE SHOULD INCLUDE
STUDIES OF AIR QUALITY SINCE IT IS ALREADY DOUBTFUL
WHETHER A 300 MEGAWATT STATION REALLY DOES MEET MONTANA
STANDARDS. REGARDING WATER QUALITY, THE IJC SHOULD STUDY
THE EFFECT OF REDUCED FLOWS AND EVALUATE THE EFFECT OF ANY
POLLUTION UPON US CITIZENS RESIDING NEAR THE POPULAR
RIVER (EMBASSY NOTES THAT ONE IRATE US CITIZEN WHO CAME TO
THE HEARINGS CLAIMED THAT HIS PROPERTY WOULD BE SERIOUSLY
DEPRECIATED IN VALUE BY CANADIAN ACTION). FURTHER STUDY
SHOULD BE MADE ON WHAT EFFECTS THE PLANT ITSELF WILL HAVE
UPON THE WATER QUALITY. MONTANA AND EPA OFFICIALS CAN
SURELY PROVIDE ADDITIONAL SUGGESTIONS. EMBASSY
STRONGLY URGES THAT US INSIST THAT MATTER GO TO IJC,
THAT ANY ASPECT OF THE SPC PROGRAM WHICH AFFECTS US
WATERS BE SUSPENDED UNTIL THE IJC HAS COMPLETED ITS
STUDIES AND THAT THESE TERMS OF REFERENCE BE AGREED
TO PROMPTLY. IN THE ABSENCE OF ANY TERMS OF REFERENCE
OR ANY STRONGLY STATED US POSITION, ONE CAN SURMISE
THAT THE SPC WILL MOVE AHEAD WITH ITS PROGRAMS AND
PRESENT TO US WITH A FAIT ACCOMPLI.
LEARY

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLLUTION CONTROL, AGREEMENTS, DIPLOMATIC DISCUSSIONS, THERMAL POWER PLANTS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976OTTAWA01094
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760102-0232
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760352/aaaabtdr.tel
Line Count: 142
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION OES
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 12 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <12 APR 2004 by CunninFX>; APPROVED <17 AUG 2004 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: POPLAR RIVER
TAGS: SENV, CA, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006